



ADVISORS LLC, GABELLI SECURITIES, INC.,  
CITCO GLOBAL CUSTODY; and JAMES  
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICewaterhouseCOOPERS L.L.P.; MARI  
FERRIS; PRICewaterhouseCOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.;  
CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM  
VENTURES, INC.; BECKENHAM TRADING  
CO., INC.; ANDREW KRIEGER; COAST  
ASSET MANAGEMENT, LLC, f/k/a COAST  
ASSET MANAGEMENT LP; CS LAND

MANAGEMENT LLC; CHRISTOPHER :  
 PETTIT; and REFCO GROUP HOLDINGS, :  
 INC.; and REFCO ASSOCIATES, INC., :

Defendants :

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STATE OF NEW YORK )  
 S.S.:  
 COUNTY OF NEW YORK)

HOWARD D. GOLDMAN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 14<sup>th</sup> day of April 2008, at approximately 5:55 p.m., deponent attempted to serve a true copy of the **A Federal Summons issued in Civil Actions 08-cv-3065 and 08-cv-3086, A Notice of Removal Filed by Defendant BAWAG, 08-cv-3065, A Notice of Removal Filed by various Defendants, 08-cv-3086, The Summons and Complaint for the Action Commenced in New York Supreme Court, Plaintiff's Statement Pursuant to Bankruptcy Rule 9027, 07-md-1902 and 08-cv-3065, Plaintiffs' Statement Pursuant to Bankruptcy Rule 9027, 07-md-1902 and 08-cv-3086, A Notice of Appearance for David Molton, 07-md-1902 and 08-cv-3065, A Notice of Appearance for Andrew Dash, 07-md-1902 and 08-cv-3065, A Notice of Appearance for David Molton, 07-md-1902 and 08-cv-3086, A Notice of Appearance for Andrew Dash, 07-md-1902 and 08-cv-3086a and Plaintiffs' Demand for Jury Trial, 08-cv-3065, 08-cv-3086** upon Phillip R. Bennett at 1001 Park Avenue, New York, NY 10028. No answer was received when the concierge called the apartment.

At that time, therefore, deponent served a true copy of the aforementioned papers upon Phillip R. Bennett by personally delivering and leaving the same with Jimmy "Doe"-(refused to give his last name), the concierge, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked if Phillip R. Bennett is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Jimmy "Doe" is a white male, approximately 50 years of age, stands approximately 6 feet 0 inches tall and weighs approximately 250 pounds with blonde hair and light eyes.

That on the 16<sup>th</sup> day of April 2008, deponent served another true copy of the foregoing upon Phillip R. Bennett at 1001 Park Avenue, New York, NY 10028, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid envelope with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.

  
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HOWARD D. GOLDMAN #932192

Sworn to before me this  
17<sup>th</sup> day of April 2008

  
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NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 0126109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 2008 